

## 1 § 106a

## Ch. 2 ACTS AND RESOLUTIONS

## Historical Note

**1974 Amendment.** Pub.L. 93-344 substituted "September 30" for "June 30".

**Effective Date of 1974 Amendment.** Section 506(b) of Pub.L. 93-344 provided that: "The provisions of subsection (a) of this section [amending this section] shall be effective

with respect to Acts making appropriations for the support of the Government for any fiscal year commencing on or after October 1, 1976."

**Legislative History.** For legislative history and purpose of Pub.L. 93-344, see 1974 U.S. Code Cong. and Adm. News, p. 3462.

## Cross References

Congressional budget and fiscal operations, appropriation Act defined, see section 622 of Title 2, The Congress.

## Library References

Statutes ⇨ 110(1).  
C.J.S. Statutes §§ 232, 240 et seq.

## § 106. Printing bills and joint resolutions

Every bill or joint resolution in each House of Congress shall, when such bill or resolution passes either House, be printed, and such printed copy shall be called the engrossed bill or resolution as the case may be. Said engrossed bill or resolution shall be signed by the Clerk of the House or the Secretary of the Senate, and shall be sent to the other House, and in that form shall be dealt with by that House and its officers, and, if passed, returned signed by said Clerk or Secretary. When such bill, or joint resolution shall have passed both Houses, it shall be printed and shall then be called the enrolled bill, or joint resolution, as the case may be, and shall be signed by the presiding officers of both Houses and sent to the President of the United States. During the last six days of a session such engrossing and enrolling of bills and joint resolutions may be done otherwise than as above prescribed, upon the order of Congress by concurrent resolution. (July 30, 1947, c. 388, 61 Stat. 634.)

## Cross References

Printing of bills and resolutions, number and distribution, see section 189 of Title 44, Public Printing and Documents.

## Library References

Statutes ⇨ 38.  
C.J.S. Statutes § 63.

## § 106a. Promulgation of laws

Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Archivist of the United States from the President; and whenever a bill, order, resolution, or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and

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thereby becomes a law or takes effect, it shall be received by the Archivist of the United States from the President of the Senate, or Speaker of the House of Representatives in whichever House it shall last have been so approved, and he shall carefully preserve the originals.

(Added Oct. 31, 1951, c. 655, § 2(b), 65 Stat. 710, and amended Oct. 19, 1984, Pub.L. 98-497, Title I, § 107(d), 98 Stat. 2291.)

**Historical Note**

**1984 Amendment.** Pub.L. 98-497 substituted "Archivist of the United States" for "Administrator of General Services" wherever appearing.

**Effective Date of 1984 Amendment.** Amendment by Pub.L. 98-497 effective April 1, 1985, see section 301 of Pub.L. 98-497, set out as a note under section 2102 of Title 44, Public Printing and Documents.

**Similar Provisions; Repeal; Saving Clause; Delegation of Functions; Transfer of Property and Personnel.** Similar provisions were contained in R.S. § 204; Act Dec. 28, 1874, c. 9, § 2, 18 Stat. 294; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272, which, with the exception of such reorganization plan, were repealed by

section 56(h) of Act Oct. 31, 1951. Subsec. (l) of said section 56 provided that such repeal should not affect any rights or liabilities existing under those statutes on the effective date of such repeal (Oct. 31, 1951). For delegation of functions under such repealed statutes, and transfer of records, property, personnel, and funds, see sections 3 and 4 of said 1950 Reorg. Plan No. 20, set out in the Appendix to Title 5, Government Organization and Employees.

**Legislative History.** For legislative history and purpose of Act Oct. 31, 1951, see 1951 U.S. Code Cong. Service, p. 2578. See, also, Pub.L. 98-497, 1984 U.S. Code Cong. and Adm. News, p. 3865.

**Library References**

Statutes  $\Leftrightarrow$  38.  
C.J.S. Statutes § 63.

**Notes of Decisions**

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**1. Authentication as law**

When a duly enrolled bill, signed by the Speaker of the House of Representatives, the President of the Senate, and the President of the United States, was placed in the custody of the Secretary of State, its authentication as a law was complete, and no reference could be had to the journal of either House, to the reports of committees, or to any documents printed by authority of Congress, to show that a section of the bill, as it finally passed, did not appear in the act, as authenticated. *Field v. Clark*, N.Y. 1892, 12 S.Ct. 495, 143 U.S. 649, 36 L.Ed. 294.

**2. Effectiveness of statute—Generally**

Neither the Constitution nor any Act of Congress, either expressly or by implication, imposes upon the President the duty of affixing a date to his signature to a bill, and

whenever a question arises in a court of law of the existence of a statute, or of the time when a statute took effect, or of the precise terms of a statute, the judges who are called upon to decide it have a right to resort to any source of information which in its nature is capable of conveying to the judicial mind, a clear and satisfactory answer to such question; always seeking first for that which in its nature is most appropriate, unless the positive law has enacted a different rule. *Gardner v. Barney*, 1868, 73 U.S. 499, 6 Wall. 499, 18 L.Ed. 890.

**3. — Date of approval**

The date of the President's approval of a bill is the date at which it becomes law. *Gardner v. Barney*, 1868, 73 U.S. 499, 6 Wall. 499, 18 L.Ed. 890.

Where an Act of Congress bore the signature of the President and the words "approved July 23, 1868", and was transmitted to the office of the Secretary of State and received thereon July 24 at 4 p.m., it was at least operative and in force from the hour last named. *American Wood Paper Co. v. Glens Falls Paper Co.*, C.C.N.Y. 1871, 8 Blatchf. 513, 1 Fed. Cas. No. 321a.

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